

Introduced by Senator Padilla

February 20, 2014

An act to add Section 110796 to the Health and Safety Code, relating to fish and shellfish.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as introduced, Padilla. Fish and shellfish: labeling.

Existing federal law, the Federal Food, Drug, and Cosmetic Act, regulates, among other things, the labeling of foods introduced or delivered for introduction into interstate commerce and generally prohibits the misbranding of food. Existing state law, the Sherman Food, Drug, and Cosmetic Law, generally regulates misbranded food, which includes food that is not properly labeled. A violation of these provisions is a crime.

This bill would require any label of fresh, frozen, or processed fish or shellfish, wild or farm raised, offered for sale at wholesale or retail to clearly identify the species of fish or shellfish by its common name, as specified. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110796 is added to the Health and Safety
2 Code, to read:

3 110796. (a) Any label of fresh, frozen, or processed fish or
4 shellfish, wild or farm raised, offered for sale at wholesale or retail
5 shall clearly identify the species of fish or shellfish by its common
6 name. If the common name for a species of fish or other seafood
7 is not defined by the department pursuant to Section 110795, for
8 purposes of this subdivision, the “common name” means the
9 common name or market name for any seafood species identified
10 in the Seafood List issued by the federal Food and Drug
11 Administration.

12 (b) For purposes of this section, “processed” means food fish
13 or shellfish processed by heat for human consumption, such as
14 food fish or shellfish that is kippered, smoked, boiled, canned,
15 cleaned, portioned, or prepared for sale or attempted sale for human
16 consumption.

17 (c) It is unlawful and constitutes misbranding for any person to
18 knowingly sell or offer for sale any fish or shellfish that is labeled
19 in violation of this section.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.